

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION**

**ANNETTE E. WITTIG**

**PLAINTIFF**

**v.**

**Civil No. 05-3034**

**JO ANNE B. BARNHART, Commissioner,  
Social Security Administration**

**DEFENDANT**

**J U D G M E N T**

Now on this 30th day of November, 2005, comes on for consideration the report and recommendation dated November 7, 2005, by the Honorable Beverly Stites Jones, United States Magistrate Judge for the Western District of Arkansas. Ten (10) days have passed without objections being filed by the parties. The court has reviewed this case and, being well and sufficiently advised, finds the report and recommendation is proper and should be, and hereby is, adopted in its entirety.

Accordingly, the court reverses the decision of the Administrative Law Judge and remands this case to the Commissioner for further consideration pursuant to sentence four of 42 U.S.C. § 405(g). If plaintiff wishes to request an award of attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, an application may be filed up until 30 days after the judgment becomes "not appealable," *i.e.*, 30 days after the 60-day time for appeal has ended. *See Shalala v. Schaefer*, 509 U.S. at 302; 28 U.S.C. § 2412(d)(1)(B),(d)(2)(G).

IT IS SO ORDERED.

/s/Jimm Larry Hendren

**JIMM LARRY HENDREN**

**UNITED STATES DISTRICT JUDGE**